

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Nathaniel Gold,)	
)	
Plaintiff,)	C.A. No. 5:11-476-HMH-JRM
)	
vs.)	OPINION AND ORDER
)	
Chief, Capers Wannamaker, SMPD;)	
Judge Thomas Randolph, Jr.; St. Matthews)	
Police Department; St. Matthews Town)	
Hall,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Nathaniel Gold (“Gold”), a pre-trial detainee proceeding pro se, brought an action under 42 U.S.C. § 1983, alleging violations to his constitutional rights. Magistrate Judge McCrorey recommends dismissing Defendants Judge Thomas Rudolph, Jr., St. Matthews Police Department, and St. Matthews Town Hall without prejudice and without issuance and service of process. On April 8, 2011, Gold filed objections to the magistrate judge’s Report and Recommendation.

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Gold's objections to the magistrate judge's Report and Recommendation are non-specific, unrelated to the dispositive portions of the Report, and merely restate his claims. In his objections, however, Gold includes a general request to amend his complaint to join additional defendants. Gold has not presented a proposed amended complaint setting forth his purported claims against the parties he seeks to join. Based on the general request before the court, the court is unable to determine if amendment should be granted. Therefore, the court denies the request to amend with leave to refile to allow the magistrate judge to determine whether granting Gold's request to amend his complaint is proper. Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McCrorey's Report and Recommendation.

It is therefore

ORDERED that Defendants Judge Thomas Rudolph, Jr., St. Matthews Police Department, and St. Matthews Town Hall are dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
April 19, 2010